

No. 1454 of 1868.

To

A. D. CAREY, Esq.,  
Enquiry Officer.

Surat, 25th July 1868.

SIR,

I have lately had under consideration the question of permitting persons to build balconies ( ૨૧૫ ) projecting from their houses over the street, which has arisen in the course of your granting "ruza-chittees," and is under Rules 46 and 48 within the cognizance of the municipality.

2. There can be no doubt that the maxim *cujus est solum ejus est usque ad cælum* precludes the admission of any right to construct such projections over the public road. Permissions, if granted, are clearly by favour.

3. The objections to such permissions are that parties sometimes surreptitiously run up an otta on the ground beneath the "ruvesh," and even erect posts from it to the "ruvesh," and then state that the ground has always been in their possession, or else they merely claim the land beneath the "ruvesh" and even that covered by the eaves as being their's by the custom of the country, as they allege.

4. The advantages of "ruveshes" are that they are picturesque, increase the shade in the streets, and are a convenience to householders without present injury to the public.

5. There, therefore, appears no reason why the above advantages should not be obtained simultaneously with security against the evils noticed in para. 3 by means of an agreement to be taken from the owner of the house disclaiming any right to the land beneath the "ruvesh," and agreeing to remove it without compensation if at any future time he should be required to do so under Rules 46 or 48.

6. The question whether any person should be charged for such permissions, I will refer to the municipality and inform you of the result hereafter.

T. C. HOPE.